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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,652	10/15/2003	Jen-Shou Tseng	9269-US-PA	2651
31561	7590	08/16/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			SEVER, ANDREW T	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,652	Applicant(s) TSENG ET AL.	
	Examiner Andrew T. Sever	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not consistent. A new title is required that is clearly indicative of the invention to which the claims are directed.

In applicant's oath/declaration the title is "Optical Scanner", in applicant's abstract and else where it is "[Optical Scanner]". It is recommended that applicant review all the parts of the application on PAIR and correct the application so that it is clear what the official title is and how it is spelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujioka et al. (US 5,414,481.)

Fujioka teaches in figures 1 and 2 an optical scanner suitable for scanning a vertical object comprising:

A scanning body (1 and 9), having a transparent window (3) on a top surface thereof;

Art Unit: 2851

A focusing device (12), including:

An arm (inherently present, but not shown see column 3 lines 24-27), with one end coupled to the scanning body;

A reflective mirror (13 or 14), disposed on the arm; and

A lens (15), disposed on the arm and located at a reflecting path of the reflective mirror; and

A scanning module (6-8), disposed within the scanning body and operative to reciprocally move underneath the transparent window (see arrow), the scanning module comprising:

A shell (6), having a light cone opening for receiving an imaging light of the vertical object;

A lens (8), disposed within the shell; and

An optical sensor (5, which is specified to be film a type of sensor), disposed within the shell and located on an optical length following the lens of the scanning module.

With regards to applicant's claims 3 and 4:

It is common for an overhead projector such as Fujioka to be used to project (or in the reverse image) either a blackboard or whiteboard.

With regards to applicant's claim 5:

Part 11 is a projection lamp.

Art Unit: 2851

With regards to applicant's claim 6:

As shown in figure 1, the scanner includes a light source (7) having a reflector surrounding it, which is in the shell and located along an optical path prior to the lens of the scanning module.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2851

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al. as applied to claims 1, 3-6 above, and further in view of Minnesota Mining and Manufacturing Company (3M), (EP 0 550 038).

Fujioka as described in more detail above teaches an optical scanner, which among other things includes a reflective mirror and lens, suspended over a top surface. Fujioka does not specifically teach an arm comprising a fine-tuning device disposed on it to adjust height and focal length. 3M teaches in figure 1 an optical scanner which includes an arm 16 and an adjustment knob (15) which is a fine-tuning device. 3M teaches in column 3 lines 44-51 that the knob allows for adjustment of the mirror and lens assembly which as those with ordinary skill in the art at the time the invention was made would recognize allows a user to adjust focal length and height allowing for more flexibility in how the optical scanner is used especially in the overhead projector type applications (it allows a user to position the scanner/projector at a convenient location as the projected image can be adjusted.) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an arm, and a fine tuning device as taught by 3M to the optical scanner of Fujioka that inherently includes the arm but does not teach its specifics, in order to make the scanner of Fujioka more flexible in where it is positioned with respect to a screen, blackboard, or white board that it is positioned to image/project upon.

Art Unit: 2851

7. Claims 7-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al. (US 5,414,481) in view of Konno et al. (US 5,325,137.)

Fujioka teaches in figures 1 and 2 an optical scanner suitable for scanning a vertical object and a horizontal object, the optical scanner comprising:

A scanning body (1 and 9), having a transparent window (3) formed on a top surface thereof;

A focusing device (12), including:

An arm, with one end coupled to the scanning body (inherent see discussion above with regards to applicant's claim 1);

A reflective mirror (13 and 14), disposed on the arm; and

A lens (15), disposed on the arm and located at a reflecting path of the reflective mirror; and

A scanning module (6-8), disposed within the scanning body and operative to reciprocally move underneath the transparent window (see arrow), the scanning module comprising:

A shell (6), having a light cone opening for receiving an imaging light of the vertical object and the horizontal object;

A first lens (8), disposed within the shell; and

An optical sensor (5, which is specified to be film a type of sensor), disposed within the shell and located on an optical length following the first lens.

Art Unit: 2851

Fujioka, however, does not teach that a lid is pivotally connected to the scanning body to cover the transparent window. Such lids are frequently provided in horizontal scanners to allow for better scanning of an object placed on the transparent window. Konno teaches such a lid in figure 5 part 26. In column 13 lines 17-24 that the lid is provided to allow the light scanning the object in the case of a transparency to reflect back to the scanner and it also prevents unnecessary light from breaking in the writing light from the outside. Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such a lid in the optical scanner of Fujioka.

With regards to applicant's claim 8:

The lens (8) inherently has more than one focal point (Before and after the lens)

With regards to applicant's claims 11 and 12:

It is common for an overhead projector such as Fujioka to be used to project (or in the reverse image) either a blackboard or whiteboard.

With regards to applicant's claim 13:

Part 11 of Fujioka is a projection lamp.

Art Unit: 2851

With regards to applicant's claim 14:

As shown in figure 1 of Fujioka, the scanner includes a light source (7) having a reflector surrounding it, which is in the shell and located along an optical path prior to the lens of the scanning module.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al. in view of Konno et al. as applied to claims 7-8 and 11-14 above, and further in view of Stocker (US 2004/0095614.)

As described in more detail above, Fujioka in view of Konno teach an optical scanner having among other things a scanning module containing a first lens. Fujioka in view of Konno do not teach a second lens with a focal length different then that of the first lens, wherein the first and second lenses are switchable with each other. Stocker teaches such a lens system in a scanning module of an optical scanner in figure 1 which teaches interchangeable lenses 28 and 26. Stocker teaches in paragraph 24 that the two lens assemblies are provided in order to give an option of having at least two different resolutions of the image, given that this is useful as different objects being scanned need to be scanned at different resolutions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the two lenses with different focal lengths in the projector of Fujioka in view of Konno as taught by Stocker.

Art Unit: 2851

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka in view of Konno as applied to claims 7-8 and 11-14 above, and further in view of Minnesota Mining and Manufacturing Company (3M), (EP 0 550 038).

Fujioka in view of Konno as described in more detail above teaches an optical scanner, which among other things includes a reflective mirror and lens, suspended over a top surface. Fujioka in view of Konno does not specifically teach an arm comprising a fine-tuning device disposed on it to adjust height and focal length. 3M teaches in figure 1 an optical scanner which includes an arm 16 and an adjustment knob (15, fine tuning device). 3M teaches in column 3 lines 44-51 that the knob allows for adjustment of the mirror and lens assembly which as those with ordinary skill in the art at the time the invention was made would recognize allows a user to adjust focal length and height allowing for more flexibility in how the optical scanner is used especially in the overhead projector type applications (it allows a user to position the scanner/projector at a convenient location as the projected image can be adjusted.) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an arm, and a fine-tuning device as taught by 3M to the optical scanner of Fujioka in view of Konno that inherently includes the arm but does not teach its specifics, in order to make the scanner of Fujioka in view of Konno more flexible in where it is positioned with respect to a screen, blackboard, or white board that it is positioned to image/project upon.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,947,577 to Jikihara et al. teaches in figure 2 an optical scanner with a mirror on an arm.

US 2002/0191232 to Orozco teaches in figure 2 a projector/scanner combination, that also includes a printer (205) for printing out an image of the image being displayed on a surface.

US 5,548,358 to Takahashi teaches in figure 6 a projector with imaging means (film) 111.

US 2002/0024638 to Hidari et al. teaches an optical scanner in figure 1 which also includes projection means.

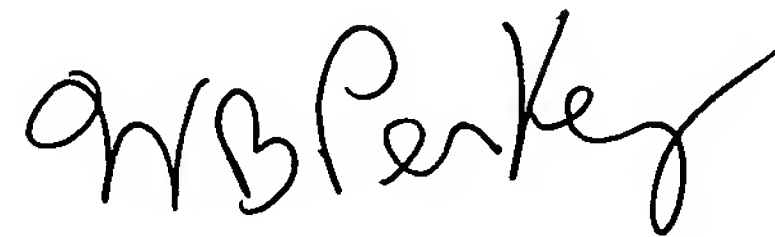
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 8:30-5:00.

Art Unit: 2851

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS

A handwritten signature in black ink, appearing to read 'W B Perkey', with a stylized flourish at the end.

William Perkey
Primary Examiner